

b.) Remarks

Claims 11 and 12 have been amended in order to exclude non-elected subject matter and claims 1-10, 13, 14, 19, 20, 26 and 27 have been cancelled. Additionally, claims 15 and 16 are amended to maintain their dependency and claims 32-35 added in order to more specifically recite preferred embodiments of the present invention. No new matter has been added.

The references cited in the form PTO-1449 filed June 22, 2006 have not been considered because they were provided in an unacceptable format. In response, replacement copies of the previously-cited prior art are enclosed. If any fees are necessary for consideration of the same, such may be charged to deposit account No. 06-1205.

Claims 11-20 are now under consideration, with claims 1-10 and 26-27 being withdrawn. In this regard, the Examiner points out that the elected species is a member of Group I, therefore:

the Examiner has determined that the applicant elected group V in error and application intended to elect group I.

This comment is not well-understood. That is to say, the elected compound is included in compound of formula (IA). Clarification is respectfully requested.

Claims 11-13 and 15-20 are rejected under 35 U.S.C. §102(b) as anticipated by Hassall et al. (J. Chem. Soc., Perkin Transactions 1: Organic and Bio-Organic Chemistry, Vol. 23 (1973) 2853-61). In support of the rejection the Examiner points to Hassall's compounds wherein R<sup>3A</sup> and R<sup>5A</sup> are both methyl.

This rejection is overcome by the foregoing amendment.

Finally, claims 11-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being obvious over claims 1-8 of copending Application No. 10/584,234 and claims 1-39 of copending Application No. 11/718,079. Although this rejection too is believed to be overcome by the above amendment, no further response is due until one of the sets of claims has been patented. Accordingly, any response to the merits of rejection is premature at this time.

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 11, 12, 15-18 and 32-35 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Lawrence S. Perry/  
Lawrence S. Perry  
Attorney for Applicants  
Registration No. 31,865

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

HE\ac

FCFS\_WS 1655594\_1.DOC